

REMARKS

Initially, Applicants would like to express appreciation to the Examiner for the detailed Official Action provided and for the acknowledgment of Applicants' Claim for Priority and receipt of the certified copy of the priority document. Applicants also acknowledge the Examiner's objections to the drawings and the Examiner's approval of the drawing corrections filed January 21, 2003. However, Applicants note that the Examiner has not indicated that the drawings have otherwise been approved by the Official Draftsperson on a Form PTO-948. The Examiner is thus requested to indicate that Applicants' drawings are acceptable in the next Official Action.

Applicants acknowledge with appreciation the Examiner's indication of allowable subject matter in claims 4-16. Additionally, Applicants note that on the Form PTO 326, claim 19 has been objected to, and in the body of the Official Action, claim 19 has not been rejected. Accordingly, it is believed that the Examiner intended to indicate that claim 19 contains allowable subject matter.

Upon entry of the above amendment claims 1 and 17 will have been amended and newly presented claims 22-24 will have been added. Accordingly, claims 1-19 and 22-24 are currently pending and Applicants respectfully request reconsideration of the outstanding objections and rejections, and allowance of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Further, Applicants note that Form PTO 326 indicates that the present Official Action is final. However, the body of the Official Action does not indicate that the Official Action has been made final. During a telephone conference with Applicant's attorney, Ms. Linda J. Hodge, on May 5, 2003, Examiner Ellington confirmed that the present Official Action has not been made final.

The Examiner has objected to the drawings as failing to include the reference numeral "42", which appears on page 18, line 7. However, Applicants note that the reference numeral "42" that appears on page 18, line 7 (paragraph [0052]) is a typographical error. Reference numeral "42" should be changed to reference numeral "43". Accordingly, paragraph [0052] has been amended to make this correction. Thus, in view of the above noted amendments and remarks, it is believed that the objection to the drawings has been overcome.

The Examiner has rejected claims 1, 2, and 17 under 35 U.S.C. § 102(e) as being anticipated by COWMAN et al. (U.S. Patent No. 6,183,685). The Examiner takes the position that the COWMAN et al. patent discloses a pressure sensitive sensor including a net braid insulative member 2 provided between first and second electrode members 3 so that when pressed, the insulative material allows electrical contact between the electrode members through gaps in its mesh, and when unpressed insulates the first and second electrode members from each other.

Although Applicants do not necessarily agree with the Examiner's rejection of the claims on this ground, nevertheless, Applicants have amended independent claims 1 and 17 to clearly obviate the above noted ground of rejection in order to expedite prosecution of the present application. In this regard, Applicants note that COWMAN et al. fails to show each and every element recited in the amended claims. In particular, claim 1, as amended, sets forth a pressure sensitive sensor including, inter alia, "an insulative member provided between said first electrode member and said second electrode member, said insulative member including an insulating material that allows electrical contact between said first electrode member and said second electrode member through a gap portion in its mesh when pressed, and insulates said first electrode member and said second electrode member when in said unpressed state". Claim 17, as amended, sets forth a method of making a pressure sensitive sensor including, inter alia, "providing an insulative member between said first electrode member and said second electrode member, said insulative member including an insulating material that allows electrical contact between said first electrode member and said second electrode member when pressed, and insulates said first electrode member and said second electrode member when in said unpressed state".

The COWMAN et al. patent discloses a varistor including first and second electrode members 2 having an insulative member 3 therebetween, in which the insulative member 3 includes gaps which allow electrical contact between the electrode members 2. In the

COWMAN et al. device, the gaps in the insulative member 3 *always* allows electrical contact between the electrode members 2. The COWMAN et al. patent discloses a varistor (*i.e.*, an electrical resistor whose resistance depends on the applied voltage). COWMAN et al. fails to disclose a pressure sensitive sensor. As shown in figures 1-4 and described in column 5, line 67 through column 6, line 32, the COWMAN et al. varistor comprises a sandwich construction of alternating layers of ceramic layers 4 (the insulative member) and electrode layers 3. Further, COWMAN et al. discloses (column 6, lines 20-32) that the device is produced by screen printing and that parallelism of the alternating layers and close control over the thickness of the layers is necessary to ensure proper performance of the varistor. The COWMAN et al. varistor operates by applying voltage to the device, and the COWMAN et al. patent fails to disclose any change in thickness of the layers during operation of the device. COWMAN et al. fails to disclose layers having a pressed state in which electrical contact is made and an unpressed state in which electrical contact is not made as in Applicants' claimed invention. Further, as shown in figure 12, and described in column 7, line 66 through column 8, line 23, the ceramic insulative layer 2 of the COWMAN et al. device is printed on the electrode layers with a mask device that produces a plurality of holes through which the electrode member is exposed. As shown in figure 12, the ceramic insulative member is a simple planar member with regularly spaced rectangular holes, and is not a net braid member as in Applicants' claimed device.

Therefore, the COWMAN et al. patent does not show a device in which the insulative member “allows electrical contact between said first electrode member and said second electrode member through a gap portion in its mesh when pressed, and insulates said first electrode member and said second electrode member when in said unpressed state”, as set forth in amended claim 1. The COWMAN et al. patent further does not show a method of making a pressure sensitive sensor including providing an insulative member which includes “an insulating material that allows electrical contact between said first electrode member and said second electrode member when pressed, and insulates said first electrode member and said second electrode member when in said unpressed state”. Since the reference fails to show each and every element of the claimed device and each and every step of the claimed method, the rejection of claims 1, 2, and 17 under 35 U.S.C. § 102(e) over COWMAN et al. is improper and withdrawal thereof is respectfully requested.

The Examiner has also rejected claims 3 and 18 under 35 U.S.C. § 103(a) as being unpatentable over COWMAN et al. The Examiner takes the position that the COWMAN et al. patent shows the claimed invention except for a net braid member formed by knitting a plurality of yarn strands. The Examiner contends that it would have been obvious to one having ordinary skill in the art to modify the device and method of COWMAN et al. for the purpose of providing a dense continuum of low porosity ceramic material.

Applicants note that COWMAN et al. fails to teach or suggest the subject matter claimed, including, inter alia, “an insulative member provided between said first electrode member and said second electrode member, said insulative member including an insulating material that allows electrical contact between said first electrode member and said second electrode member through a gap portion in its mesh when pressed, and insulates said first electrode member and said second electrode member when in said unpressed state” as recited in amended independent claim 1, as described above, and “providing an insulative member between said first electrode member and said second electrode member, said insulative member including an insulating material that allows electrical contact between said first electrode member and said second electrode member when pressed, and insulates said first electrode member and said second electrode member when in said unpressed state”, as set forth in amended independent claim 17, as described above, and a “net braid member” as set forth in claim 2. Further, Applicants submit that nothing in the applied prior art teaches or suggests the claimed combination including a net braid member formed by knitting a plurality of yarn strands. Therefore, even if one were led to make the modification asserted by the Examiner, the claimed combination would not result. Accordingly, Applicant submits that a factual basis for the rejection has not been established and thus a prima facie case of obviousness has not been established, and that rejection of claims 3 and 18 under 35 U.S.C. § 103(a) can only result from a review of Applicants’ disclosure and the application of

impermissible hindsight. Accordingly, the rejection of claims 3 and 18 under 35 U.S.C. § 103(a) over COWMAN et al. is improper for all the above reasons and withdrawal thereof is respectfully requested.

Applicants submit that none of the references of record, considered alone or in any proper combination thereof, anticipate or render obvious Applicants' invention as recited in newly submitted claims 22-24. Further, claims 4, 14, and 19, which the Examiner has indicated contain allowable subject matter, have been rewritten in independent form as claims 22-24, respectively.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of all the rejections, and an early indication of the allowance of claims 1-19 and 22-24.

#### SUMMARY AND CONCLUSION

In view of the foregoing, it is submitted that the present amendment is proper and that none of the references of record, considered alone or in any proper combination thereof, anticipate or render obvious Applicants' invention as recited in claims 1-19 and 22-24. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Accordingly, consideration of the present amendment, reconsideration of the outstanding Official Action, and allowance of the present amendment and all of the claims therein are respectfully requested and now believed to be appropriate.

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Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so.

Applicants note that this amendment is being made to advance prosecution of the application to allowance, and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims.

Should there be any questions, the Examiner is invited to contact the undersigned at the below listed number.

Respectfully submitted,  
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